

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
(CENTRAL DIVISION)**

**MICHAEL DAWE,**  
**Plaintiff**

**v.**

**C.A. No. 04-40192**

**CAPITAL ONE BANK,**  
**Defendant.**

**CAPITAL ONE BANK'S  
MOTION TO COMPEL ANSWERS TO INTERROGATORIES  
AND PRODUCTION OF DOCUMENTS**

Defendant Capital One Bank ("Capital One") moves pursuant to Local Rule 37.1(B) to compel plaintiff Michael Dawe ("Dawe") to provide more complete answers to interrogatories and responses to document requests. Despite efforts to confer to narrow the contested issues, the parties have been unsuccessful in this regard, thus necessitating this motion.

For the reasons set forth in Capital One's memorandum in support hereof, Capital One requests that the Court issue an order compelling the plaintiff to:

- (a) produce documents responsive to Request Nos. 1, 2, 7, 8, 9 and 10 of Capital One's First Request for Production of Documents that relate to: the origination of Dawe's debt to Capital One; payments that the plaintiff made towards the debt and his refusal to make further payments towards the debt; and any defenses that he might have to payment of the debt;
- (b) answer Interrogatory Nos. 14, 15 and 16 of Capital One's First Set of Interrogatories;
- (c) provide a full and complete answer to Interrogatory No. 17 of Capital One's First Set of Interrogatories;
- (d) produce unredacted copies of the consumer credit reports requested in Document Request No. 3 of Capital One's First Request for Production of Documents;
- (e) provide full and complete answers to Interrogatory Nos. 2, 3, 4, 6, 7, 8, 10, 11, 12, and 13 of Capital One's First Set of Interrogatories with all information currently known to him or a statement that he has no additional information to provide; and

- (f) provide home addresses for the individuals identified in response to Interrogatory No. 3 of Capital One's First Set of Interrogatories.

Respectfully submitted,

**CAPITAL ONE BANK**

By its attorney,

/s/ Bruce D. Berns

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Date: May 26, 2005